

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEE CHILDRESS, JR.

Petitioner,

vs.

Case No. 00-CV-80466
HON. GEORGE CARAM STEEH

UNITED STATES OF AMERICA,

Respondent.

_____/

ORDER DENYING PETITIONER'S MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Robert Lee Childress, Jr., appearing *pro se*, filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, challenging his September 30, 2010 sentence of 36 months imprisonment for multiple supervised release violations arising out of two state court convictions for fraud felonies. On July 3, 2013, finding no merit in any of his claims, this court entered an order denying Childress' motion and denying a certificate of appealability. After this court granted an extension of time, Childress filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit on October 4, 2013, and on November 14, 2013, Childress filed an application to proceed in forma pauperis on appeal.

To appeal in forma pauperis in a § 2255 case, and thereby avoid the \$450 filing fee required under 28 U.S.C. §§ 1913 and 1917, a prisoner must obtain pauper status from the district court under the requirements provided for in Federal Rule of Appellate Procedure 24(a). Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997). Rule 24(a) provides that

a party seeking pauper status on appeal must first file a motion in the district court, along with a supporting affidavit setting forth petitioner's inability to pay, a claim that he is entitled to redress, and the issues he intends to present on appeal. Fed. R. App. P. 24(a)(1). In his affidavit, Childress has failed to state the issues he intends to present on appeal as required by Rule 24(a)(1)(C). The Rule further requires the district court to certify in writing whether the appeal is taken in good faith. Fed. R. App. P. 24(a)(3)(A). In this case, for the same reasons the court denied a certificate of appealability, the court determines that any appeal would not be taken in good faith.

Accordingly, It is CERTIFIED, pursuant to Federal Rule of Appellate Procedure 24(a), that any appeal in this matter is not taken in good faith, and leave to appeal in forma pauperis is DENIED.

SO ORDERED.

Dated: November 20, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 20, 2013, by electronic and/or ordinary mail and also on Robert Lee Childress, Jr. #25851-039, FCI Elkton, P. O. Box 10, Lisbon, OH 44432.

s/Barbara Radke
Deputy Clerk